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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/728,222	11/27/2003	Khai Hec Kwan		7484
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KHAI HEE KWAN PETI SURAT 1178 SANDAKAN, 90713 MALAYSIA			EXAMINER MERCHANT, SHAHID R	
			ART UNIT 3694	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/728,222

**Applicant(s)**

KWAN, KHAI HEE

**Examiner**

Shahid R. Merchant

**Art Unit**

3694

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 27 November 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 November 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date: _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date: _____   | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Priority***

1. Examiner has given consideration to applicant's Provisional Application No. 60/434,819 filed on December 13, 2002. For examining purposes of this application, the effective filing date will be December 13, 2002.

### ***Drawings***

2. New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because Figure 6, box S20 has a misspelled word. The word Determine is misspelled. Applicant is advised to correct misspelling. The corrected drawings are required in reply to the Office action to avoid abandonment of the application.

### ***Claim Objections***

3. Claim 1 objected to because of the following informalities: the phrase vehicle option in line 1 should be changed to a vehicle option premium to reflect that an amount of money is being calculated and outputted. Appropriate correction is required.

4. Claim 1 objected to because of the following informalities: the phrase in response to vehicle pricing information received from user relative to the future purchase or sell of a vehicle is not a positive method step. Appropriate correction is required.

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5. Claim 1 objected to because of the following informalities: the phrase purchase or sell in line 4 should be changed to purchase or sale. Appropriate correction is required.
6. Claim 2 objected to because of the following informalities: the phrase purchase or sell in line 3 should be changed to purchase or sale. Appropriate correction is required.
7. Claim 2 objected to because of the following informalities: the phrase comprising sell in line 5 should be changed to comprising sale. Appropriate correction is required.
8. Claim 3 objected to because of the following informalities: the phrase vehicle option in line 2 should be changed to vehicle option premium to reflect that an amount of money is being calculated and outputted. Appropriate correction is required.
9. Claim 4 objected to because of the following informalities: the phrase vehicle option in line 2 should be changed to vehicle option premium to reflect that an amount of money is being calculated and outputted. Appropriate correction is required.
10. Claim 5 objected to because of the following informalities: the phrase to record the sale or purchase is misleading. In line 2 of the claim, the claim states receiving an indication that a user has **purchased** the vehicle option however in line 3, the Applicant is recording **the sale or purchase**. To make the claim language clear, recording **the purchase** might be more clear. Appropriate correction is required.
11. Claim 7 objected to because of the following informalities: the phrase wherein a sell in line 1 should be changed to wherein a sale. Appropriate correction is required.

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12. Claims 8-14 objected to because of the following informalities: each claim is missing a period (.) at the end of the claim. Appropriate correction is required.

13.

***Claim Rejections - 35 USC § 112***

14. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

15. Claims 6, 7, 13, 14, 19 and 20 rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. Verifying the validity of the vehicle option is not described in the specification.

16. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

17. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

18. Claim 1 rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential steps, such omission amounting to a gap between the steps. See MPEP § 2172.01. The omitted steps are: revise pricing information. Currently, two options are presented to the user: accept vehicle option premium and perform a payment transaction or terminate. Applicant needs to show how revise pricing information is performed. Applicant could repeat the steps of calculating and outputting for revising the pricing information to overcome the rejection.

19. Claim 1 recites the limitation "the future purchase or sell of a vehicle" in lines 3-4. There is insufficient antecedent basis for this limitation in the claim.

20. Claim 1 recites the limitation "the vehicle option premium" in lines 5, 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

21. Claim 2 recites the limitations "the first information", "the second information" "the third information" and "the forth information" in lines 2-4. There is insufficient antecedent basis for these limitations in the claim.

22. Claim 2 recites the limitations "said information" in line 6. There is insufficient antecedent basis for this limitation in the claim. It is not clear which "information" Applicant is referring to (first, second, third or fourth).

23. Claim 3 recites the limitations "the period", "the historical volatility", "the motor vehicle", "the motor vehicle prices" and "the expected interest" in lines 2-4. There is insufficient antecedent basis for these limitations in the claim.

24. Claim 4 recites the limitations "the number of driving years", "the person", "the age of the person", "the reported accident history", "the type of vehicle", "the odometer

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reading", "the time of sale" and "the physical condition" in lines 2-9. There is insufficient antecedent basis for these limitations in the claim.

25. Claims 6 and 7 recites the limitations "updating the database" in lines 6-7. There is insufficient antecedent basis for these limitations in the claim. It is not clear what database is being updated.

***Claim Rejections - 35 USC § 102***

26. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

27. Claims 1, 2, 6 and 7 rejected under 35 U.S.C. 102(b) as being anticipated by Economics of Automobile Leasing: The Call Option Value by Stephen Miller (see PTO-892, Ref. U).

28. As per claim 1, Miller teaches a method for determining vehicle option over a network connected to a central controller and a plurality of terminals, comprising the steps: in response to vehicle pricing information received from user relative to the future purchase or sell of a vehicle; calculating the vehicle option premium based on vehicle pricing information; outputting the vehicle option premium to the user for decision; and if user accepts the vehicle option premium offered, perform a payment transaction else

suggest user to revise pricing information or terminate (see PTO-892, Ref. U, page 203 and 209).

29. As per claim 2, Miller teaches the method of claim 1 as described above. Miller further teaches whereby vehicle pricing information comprising at least one of the first information concerning period to purchase or sell, second information concerning vehicle price at purchase or sell, third information concerning type of vehicle and fourth information concerning type of transaction comprising sell of vehicle or purchase of vehicle; and wherein said calculating step includes utilising at least one of the said information (see PTO-892, Ref. U, page 203 and 209).

30. As per claim 6, Miller teaches the method of claim 1 as described above. Miller further teaches wherein a purchase further comprising the steps of: receiving a user's request to purchase a vehicle utilising user's vehicle option; verifying the validity of the vehicle option; and if verified ask user to perform a payment transaction to pay the vehicle price; and updating the database to reflect the vehicle option is used (see PTO-892, Ref. U, page 203 and 209).

31. As per claim 7, Miller teaches the method of claim 1 as described above. Miller further teaches wherein a sell further comprising the steps of: receiving a user's request to sell vehicle using user's vehicle option; verifying the validity of the vehicle option; and if verified ask counter-party to perform a payment transaction to pay the vehicle price; and updating the database to reflect the vehicle option is used (see PTO-892, Ref. U, page 209).



32. Claims 8 and 15 recite similar limitations to claim 1 and thus rejected using the same art and rationale in the rejection of claim 1 as set forth above.

33. Claims 9 and 16 recite similar limitations to claim 2 and thus rejected using the same art and rationale in the rejection of claim 2 as set forth above.

34. Claims 13 and 19 recite similar limitations to claim 6 and thus rejected using the same art and rationale in the rejection of claim 6 as set forth above.

35. Claims 14 and 20 recite similar limitations to claim 7 and thus rejected using the same art and rationale in the rejection of claim 7 as set forth above.

***Claim Rejections - 35 USC § 103***

36. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

37. Claim 5 rejected under 35 U.S.C. 103(a) as being unpatentable over **Official**

**Notice.** It is old and well known in the arts to receive an indication of a purchase, update a database in regards to the indication and post the details of the transaction to all users.

***Allowable Subject Matter***

38. Claims 3, 4, 10, 11, 17 and 18 objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

39. Claims 3, 4, 10, 11, 17 and 18 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

***Conclusion***

The Examiner has cited particular columns and line numbers in the references as applied to the claims for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Shahid R. Merchant whose telephone number is 571-270-1360. The examiner can normally be reached on First Friday Off.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P. Trammel can be reached on 571-272-6712. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

SRM

  
ELLA COLBERT  
PRIMARY EXAMINER